

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS	)	
ENERGY CORPORATION FOR AN ADJUSTMENT	)	CASE NO.
OF RATES AND TARIFF MODIFICATIONS	)	2017-00349

ORDER

This matter arises on the Commission’s own motion to amend the procedural schedule established in an Order entered March 26, 2018 (“March 26, 2018 Order”). The Commission finds that additional information is needed from Atmos Energy Corporation (“Atmos”) regarding its pipeline replacement program. Accordingly, the March 26, 2018 Order should be amended to: allow for Commission Staff requests for information to Atmos; permit the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (“Attorney General”) to file a brief; and for Atmos to file a reply brief.

Pursuant to the March 26, 2018 Order, the post hearing requests for information (“Post Hearing Request”) were due on March 28, 2018; responses to the Post Hearing Request were due on April 6, 2018; post-hearing briefs were due on April 17, 2018; and the matter would stand submitted for a decision by the Commission effective 12:01 a.m., Eastern Daylight Time, on April 18, 2018.

Atmos timely filed responses to Commission Staff’s Post Hearing Request. However, Atmos’s responses were incomplete and inconsistent. Commission Staff

issued a second Post Hearing Request (“Second Post Hearing Request”) to Atmos<sup>1</sup> to which Atmos filed responses on April 17, 2018. Atmos also filed its post-hearing brief on April 17, 2018. Upon review, the Commission determined that Atmos’s responses to the Second Post Hearing Request were, again, incomplete and inconsistent. The parties were notified that Commission Staff planned to issue a third Post Hearing Request (“Third Post Hearing Request”).

Subsequently, the Attorney General did not file a post-hearing brief on April 17, 2018, but instead filed a motion requesting to tender its post-hearing brief late. As a basis for this motion, the Attorney General argued that, given notice of the need for additional discovery, the evidentiary record remained open, and that requiring the Attorney General to file a post-hearing brief before the close of the evidentiary record would violate its due process rights. Thereafter, Atmos filed an objection to the Attorney General’s motion and a separate motion to enforce the March 28, 2018 procedural schedule. The Commission finds that the Attorney General’s motion to file a late brief should be denied as moot.

The Commission finds that, because a Third Post Hearing Request is required to obtain information necessary to the Commission’s determination in this matter, Atmos should file its response to the Third Post Hearing Request, which was issued on April 18, 2018, no later than April 20, 2018; that the Attorney General should file its post-hearing brief no later than April 23, 2018; and that Atmos should file its reply brief no later than April 26, 2018.

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<sup>1</sup> Commission Staff’s Second Post Hearing Request was served to the parties by email on April 12, 2018, and filed into the case record on April 18, 2018.

IT IS THEREFORE ORDERED that:

1. The procedural schedule established in the March 26, 2018 Order is amended as follows:

a. Atmos shall file responses to the Third Post Hearing Requests on or before April 20, 2018.

b. The Attorney General shall file its brief into the record on or before April 23, 2018.

c. Atmos shall file its reply brief, if any, into the record on or before April 26, 2018.

2. The Attorney General's motion for leave to file a late brief is denied as moot.

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By the Commission

ENTERED  
APR 19 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director  
for General Pinson

Case No. 2017-00349

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